

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY P. BARNES, ET AL.,

No. C 12-1334 CRB

Plaintiffs,

**ORDER RE HEARING ON MOTION  
FOR CONDITIONAL  
CERTIFICATION OF COLLECTIVE  
ACTION**

v.


THE HERSHEY COMPANY,

Defendant.

The Court will hear argument on Plaintiffs' Motion for Conditional Collective Action Certification (dkt. 63) on February 22, 2013. At that hearing, the parties should be prepared to discuss whether—regardless of whether tolling applies here—the continuing violation theory would permit the claims of putative collective action members terminated in 2009 to “piggyback” on a timely administrative charge in this case. See Thiessen v. Gen. Elec. Capital Corp., 267 F.3d 1095, 1110-11 (10th Cir. 2001).

**IT IS SO ORDERED.**

Dated: February 19, 2013

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE